

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claims 1-4, 14 and 15 are currently pending. Claims 1, 4, 14 and 15 have been amended. Claim 5-13, 16 and 17 have been cancelled without prejudice. No new claims have been added. No new matter has been added. Reconsideration is respectfully requested.

Applicant would first like to thank Examiner Ganey for the courtesies extended during the Interview conducted on August 7, 2000. During the course of this Interview, Applicant's representative, Howard N. Flaxman, discussed claims 1-4 with Examiner Ganey as they relate to the prior art of record. In addition, Examiner Ganey was shown a container of air freshening cards as embodied in the present application. After discussing the prior art of record and the pending claims, it was agreed that Applicant would substantially amend the pending claims to further define the air freshening card in an effort to overcome the prior art of record.

With regard to the outstanding rejections, claims 4 and 15-17 stand rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended both of the claims in accordance with the Examiner's suggestion. As such, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, be withdrawn.

With regard to the rejections based upon prior art, claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,575,345 to Buck, Jr. In addition,

claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buck, Jr. in view of U.S. Patent No. 5,876,678 to Harrell et al. In addition, claims 11, 14 and 15 stand rejected under 35 U.S.C. § 102(a) as being unpatentable over U.S. Patent No. 5,503,332 to Glenn in view of U.S. Patent 4,952,400 to Tararuj et al. Finally, claims 11-17 stand rejected under 35 U.S.C. § 102(a) as being unpatentable over Glenn in view of U.S. Patent No. 5,419,879 to Vlahakis et al. These rejections are respectfully traversed in view of amended claims 1-4, 14 and 15.

As amended, Applicant has claimed a method for applying air fresheners within an automobile. In accordance with the method, an air freshener is first retrieved. The air freshener card includes a substrate of cardboard impregnated with a liquid air freshener formulation composed of approximately 80-85% fragrance oil and approximately 15-20% hexylene glycol. The combination of the fragrance oil and the hexylene glycol provides a uniform release of the air freshener formulation providing a pleasant smell for approximately 3-4 days. In accordance with the claimed invention, the operator then locates a substantially hidden position within the automobile and the operator places the air freshener card at the substantially hidden position.

In contrast to the claimed invention, Buck Jr. discloses a packet impregnated with oil and a perfumed substance. The packet is specially adapted for positioning within a car through the use of an adhesive strip affixed to the back of the envelope disclosed by Buck, Jr. In addition, the deodorizing dispenser disclosed by Buck, Jr. includes a impregnated paper maintained within a container such that the paper must be pulled from within the container

to release the perfume impregnated therein.

However, Buck, Jr. fails to disclose a method whereby an air freshener card may be simply placed within an automobile, allowing the air freshener formulation to release over a predetermined period of time. The claimed invention's ability to permit the controlled release of the air freshener formulation is a result of the specific composition of the air freshener formation, that is, an air freshener formulation composed of approximately 80-85% fragrance oil and 15-20% hexylene glycol. This composition is critical to the overall operation of the air freshener card in accordance with the claimed method by controlling the release of the air freshener formulation over a designated period of time without causing damage to the surface upon which the air freshener card is placed.

Nothing in the cited prior art, discloses or suggests the modification of Buck, Jr. to include the claimed composition. For example, Harrell et al. discloses an air freshener resembling sports equipment. The air freshener may be hung from the rear view mirror of an automobile. Harrell et al. does not disclose the claimed composition, nor does Harrell et al. disclose a simple cardboard substrate impregnated with an air freshener formulation. As such, Harrell et al. is not considered to suggest the modification of Buck, Jr. to meet the claims of the present application.

Tararuj et al. discloses fragrance oils in combination with hexylene glycol. However, the cosmetic sampler disclosed by Tararuj et al. utilizes microcapsules which do not freely release the fragrance until contacted by an individual rubbing his or her finger thereacross. As such, it would not be appropriate to apply the powder and microcapsule fragrance

composition disclosed by Tararuj et al. to the packet disclosed by Buck, Jr. because such application would result in a deodorizing dispenser which only releases fragrance when contacted by an individual. This would not meet the pending claims and Tararuj et al. is not considered to suggest the modification of Buck, Jr. to meet the pending claims.

With regard to Glenn, Glenn fails to disclose an air freshener card having the claimed composition and, therefore, would not be an appropriate teaching reference for the modification of Buck, Jr. to meet the outstanding claims.

Finally, Vlahakis et al. discloses a perfumed gel composition containing 70-80% perfume and 0.1-12% hexylene glycol. Vlahakis et al. are concerned with a stable gel composition that may be maintained within a disposable deodorant container. As such, Vlahakis et al. provides no suggestion for impregnating cardboard with the claimed composition. As such, Vlahakis et al. fail to explicitly or implicitly suggest the modification of the paper sheet disclosed by Buck, Jr. to include the air freshener formulation proposed in the present claims.

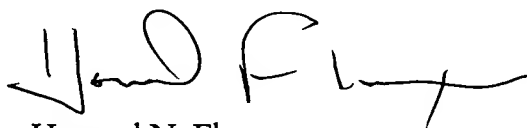
In addition to the reasons for unobviousness presented above, Applicant submits an affidavit attesting to the commercial success of the claimed method. As noted in the affidavit, sales of the air freshener card specifically designed for use with the present method have increased substantially over the past 18 months (see Attached sales sheet for period from March 1999 to July 2000). Such growth can only be indicative of the present invention's ability to fill a need within a market already saturated with air freshening devices. As such, it is Applicant's opinion that, if the claimed method were in fact obvious, someone would have

previously taken advantage of the claimed method and apply the same in developing the new market which the present inventor has so done. Applicant is currently in the process of finalizing the attached draft declaration (unexecuted) attesting to the commercial success of the product, which will be submitted as soon as possible.

For the foregoing reasons, it is Applicant's opinion that claims 1-4, 14 and 15 overcome the prior art of record. As such, Applicant respectfully requests that the rejections be withdrawn and the application pass to allowance.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Howard N. Flaxman". The signature is fluid and cursive, with the first name "Howard" being more prominent than the last name "Flaxman".

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Docket No. MOB-001